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Attorney for Judgment Creditor RONALD
KOLODZIEJ, an individual and doing
business as NIAGARA CONSTRUCTION

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA

In re
ALEX MARTINEZ,
a.k.a. ALEJANDRO M. MARTINEZ,
Debtor.

Case No. 1:13-bk-17106-MT

Chapter 11

Adv. No. **2:14-ap-01104-WB**

RONALD KOLODZIEJ, an individual and
doing business as NIAGARA
CONSTRUCTION,

Plaintiff(s),

v.

ALEX MARTINEZ,
a.k.a. ALEJANDRO M. MARTINEZ,

Defendant(s).

**EX PARTE APPLICATION BY
JUDGMENT CREDITOR REQUESTING
ORDER FOR SERVICE OF PROCESS BY
REGISTERED PROCESS SERVER**
[F.R.B.P. Rule 7069; F.R.C.P. Rules 4.1(a)
and 69]

Judgment Entered: May 30, 2014

[NO HEARING REQUESTED]

I, ADAM L. STRELTZER, hereby state and declare as follows:

1. I am attorney of record for judgment creditor and moving party

RONALD KOLODZIEJ, an individual and doing business as NIAGARA CONSTRUCTION
("**Judgment Creditor**"), and hereby request that this Court order the appointment of
registered process servers to serve levies under writ of execution in this case.

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1 2. I am informed and believe that the levying officer for this District (the
2 Office of the U.S. Marshal in and for the Central District of California) does not serve
3 levies under writ of execution issued on civil money judgments.

4 3. This Court's local rules state that, except as otherwise provided by order
5 of the court, or when required by the treaties or statutes of the United States, civil
6 process on behalf of a non-governmental party shall not be presented to the Office of
7 the U.S. Marshal for service. LBR Rule 7004-2(a).

8 4. Under California law, a registered process server may levy under a writ
9 of execution on property specified in Cal. Code of Civ. Proc. §699.080(a). A registered
10 process server is a person registered as a process server pursuant to California's
11 Business and Professions Code. See Cal. Code of Civ. Proc. §481.250 (citing Cal. Bus.
12 & Prof. Code §§22350 to 22360).

13 5. Because a hearing should not generally be required for relief of the type
14 requested herein seeking to effectuate this Court's policy to discourage the use of the
15 U.S. Marshal to serve process, Judgment Creditor respectfully requests that this
16 application be heard *ex parte*, without a hearing, by analogy to L.R. 9013-1(p) & (q).

17 6. A copy of this application (and notice of lodgment/proposed order) is
18 being served upon the judgment debtor at the judgment debtor's last known contact
19 information and also upon the judgment debtor's last known attorney of record.

20 7. Accordingly, Judgment Creditor requests that this Court, pursuant to
21 F.R.B.P. Rule 7069 and F.R.C.P. Rules 4.1(a) and 69(a)(1), authorize and appoint any
22 person duly registered as a process server within the State of California and acting
23 under the assignment or engagement of JANNEY & JANNEY ATTORNEY SERVICE,
24 INC. and/or ABC LEGAL SERVICES, INC., each of whom is a business entity of suitable
25 status, qualification, and discretion with a business office within this District and not
26 a party to the within action, to serve writ(s) of execution in this case, so long as the
27 Office of the U.S. Marshal in and for the Central District of California remains as the
28 levying officer.

1 I declare under penalty of perjury under the laws of the State of California and
2 the United States of America that the foregoing is true and correct to my own
3 knowledge, except as to those matters which are herein alleged on information and
4 belief, and as to those matters, I believe them to be true.

5 Executed September 14, 2023 in the City of Culver City, State of California.

6
7 /s/ Adam L. Streltzer
8 Adam L. Streltzer
9 Attorney for Judgment Creditor
10 RONALD KOŁODZIEJ, an individual and
11 doing business as NIAGARA
12 CONSTRUCTION
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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
1801 Century Park East, Suite 2400, Los Angeles, CA 90067 and 300 Corporate Pointe, Suite 320, Culver City, CA 90230

A true and correct copy of the foregoing document entitled (*specify*):

**EX PARTE APPLICATION BY JUDGMENT CREDITOR REQUESTING ORDER FOR SERVICE OF PROCESS BY
REGISTERED PROCESS SERVER [F.R.B.P. Rule 7069; F.R.C.P. Rules 4.1(a) and 69]**

will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On *(date)* **September 14, 2023**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Dana M. Douglas
Adam L. Streltzer
United States Trustee (LA)

dmddouglas@hotmail.com, douglas.danar115703@notify.bestcase.com
adam@streltzer.com
ustpreion16.la.ecf@usdoj.gov

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On *(date)* **September 14, 2023**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Alex Martinez aka Alejandro M. Martinez, 11762-D Moorpark St., Studio City, CA 91604
Alex Martinez aka Alejandro M. Martinez, 3941 Park Dr., PMB 20576, El Dorado Hills CA 95762
Dana M. Douglas, 11024 Balboa Blvd # 431, Granada Hills, CA 91344-5007
Hon. Julia W. Brand, U.S. Bankruptcy Court, 255 E. Temple St., Suite 1382, Los Angeles, CA 90012

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on *(date)* **September 14, 2023**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Dana M. Douglas

dana@danamdouglaslaw.com

via Email

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Adam L. Streltzer

Date

Printed Name

/s/ Adam L. Streltzer

Signature